

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TERI VERA

Plaintiff,

V.

FRISCO INDEPENDENT SCHOOL
DISTRICT,

Defendant.

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CASE NO. 4:12cv733
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 21, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendant's Amended Motion to Dismiss [Doc. #10] be granted in part and denied in part [Doc. #15]. The Magistrate Judge recommended dismissal of plaintiff's 42 U.S.C. § 1981 claim, but recommended that remaining claims under Title VII and the Texas Commission on Human Rights Act proceed. On April 4, 2013, defendant filed objections [Doc. #18]. Plaintiff did not file objections.

Defendant agrees with the dismissal of the section 1981 claim but disagrees with the Magistrate Judge's recommendation that the remaining claims should proceed. The court finds no error in the way the Magistrate Judge handled this matter and agrees that plaintiff should be permitted discovery on all of her claims except the section 1981 claim. Defendant merely reasserts

the very same arguments considered and rejected by the Magistrate Judge.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by defendant [Doc. #18], this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that defendant's Amended Motion to Dismiss [Doc. #10] is granted in part and plaintiff's claim for violation of 42 U.S.C. § 1981 is DISMISSED. The motion is denied as to the remaining claims.

So **ORDERED** and **SIGNED** this **23** day of **May, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge